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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT CORTEZ MARSHALL,
Defendant.

Case No. 2:19-cr-270-JAD-BNW

STIPULATION AND ORDER FOR PRE-SENTENCE PAYMENT TOWARD RESTITUTION

ECF No. 123

The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the pre-sentence deposit of funds to be withdrawn and applied toward defendant Robert Cortez Marshall's restitution amount in this matter at the time judgment is entered. The stipulation is based on the following:

1. On March 13, 2021, defendant Robert Cortez Marshall (“Marshall”) was charged by way of a superseding indictment with multiple counts of wire fraud, money laundering, and bank fraud. ECF No. 61.

2. On September 13, 2021, pursuant to a written plea agreement, Marshall pled guilty to one count of wire fraud in violation of 18 U.S.C. § 1343. ECF Nos. 98, 99.

3. Pursuant to the Plea Agreement, Marshall agreed to “surrender assets defendant obtained directly or indirectly as a result of defendant’s crimes.” ECF No. 99 at 3. Marshall further agreed “to voluntarily release funds and property under defendant’s

1 control or in which defendant has any property interest, before and after sentencing, to pay
2 any fine or restitution identified in this agreement, agreed to by the parties, or ordered by
3 the Court.” *Id.* at 3.

4 4. The parties have conferred and hereby stipulate to the pre-sentence deposit
5 of restitution funds with the Clerk of Court, to be held until the Judgment is entered in this
6 matter by the Court.

7 5. The parties seek an order directing the Clerk of Court to accept Marshall’s
8 restitution payments made before entry of the judgment. Pursuant to 28 U.S.C. § 2041, the
9 Clerk of Court is authorized to accept and hold such funds on behalf of Marshall until the
10 time of sentencing, which is currently scheduled for May 23, 2022. Further, pursuant to 28
11 U.S.C. § 2042, the parties request an order that upon the entry of a criminal judgment in
12 this case, the Clerk of Court is to withdraw and apply the deposited funds to the criminal
13 financial obligations, including restitution, imposed against Marshall in the sequence
14 established in 18 U.S.C. § 3612(c).

15 6. Marshall may submit payment by cash, cashier’s check, or money order
16 made payable to “Clerk, U.S. District Court” with “2:19-cr-270-JAD-BNW” noted on
17 each payment mailed or delivered to:

18 Clerk of the Court, District of Nevada
19 333 Las Vegas Boulevard, South
20 Room 1334
21 Las Vegas, Nevada 89101

22 WHEREFORE, the parties stipulate for an order directing the Clerk of Court to
23 accept pre-sentence payments to be held on deposit until judgment is entered, and
24 thereafter applied toward the criminal monetary penalties, including restitution, imposed

1 in this matter as provided by law and in accordance with the Clerk's standard operating
2 procedures.

3 Respectfully submitted this 11th day of April 2022.

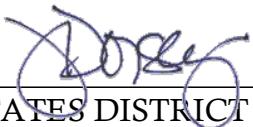
4 CHRISTOPHER CHIOU
Acting United States Attorney

5 /s/ Jim W. Fang
6 JIM W. FANG
Assistant United States Attorney

RENE L. VALLADARES
Federal Public Defender

7 /s/ Brian Pugh
8 BRIAN PUGH
Assistant Federal Public Defender

9
10 IT IS SO ORDERED:

11 
12 UNITED STATES DISTRICT JUDGE

13
14 4-12-22
15 DATED: _____